



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

AUG 01 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6124 8394

Colonel Scott Ayres
Director of Installation Management
7105 NW 70th Avenue
Camp Dodge Joint Maneuver Training Center
Johnston, Iowa 50131-1824

RE: Cedar Rapids Army National Guard AFRC/FMS 13
1550 Wright Brothers Boulevard SW
Cedar Rapids, Iowa 52404
RCRA ID No.: IAR000519587

Dear Colonel Ayres:

Letter of Warning/Request for Information

On February 23, 2016, a representative of the U. S. Environmental Protection Agency inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act.

My staff has reviewed the inspection report, and your March 9, 2016' response to the Notice of Preliminary Findings and determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within 30 calendar days of receiving this letter, please mail your response to: Rebecca Wenner, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas, 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Rebecca Wenner, of my staff, at (913) 551-7644.

Sincerely, *SUA*

A handwritten signature in cursive script, reading "Mary Goetz".

Mary Goetz
Branch Chief

Waste Enforcement and Materials Management Branch

Enclosures (3)

cc: Amie Davidson, Supervisor, Contaminated Sites Section
Iowa Department of Natural Resources

List of Violations
Cedar Rapids Army National Guard AFRC/FMS 13
Cedar Rapids, Iowa
RCRA ID No. IAR000519587

1. 40 CFR 262.11 – Failure to determine if soiled shop rags and waste aerosol cans are a hazardous waste.
2. 40 CFR 262.34(d)(4) referencing 40 CFR 265.37 – Failure to make arrangements with local emergency agencies, including hospitals.
3. 40 CFR 262.34(d)(5)(ii) – Failure to post the following information next to a telephone:
 - a. The name and telephone number of the emergency coordinator;
 - b. The location of fire extinguishers and spill control material, and, if present, fire alarm;
and
 - c. The telephone number of the fire department, unless the facility has a direct alarm.

Requested Information
Cedar Rapids Army National Guard AFRC/FMS 13
Cedar Rapids, Iowa
RCRA ID No. IAR000519587

1. Please identify all persons responding to the questions in this letter. Please include names, titles, and telephone numbers, if different from the facility's telephone number.
2. In reference to Violation No. 1, a hazardous waste determination must be conducted on each individual waste stream prior to shipping offsite or combining these waste streams. Therefore, please provide the following information concerning your hazardous waste determination on each individual waste stream:
 - a. a determination of whether or not the waste has been excluded from regulation under 40 CFR Part 261.4;
 - b. a determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR Part 261. **If the waste is a listed hazardous waste, please provide the listed waste code in your response;** and
 - c. a determination of whether or not the waste is identified in 40 CFR Part 261 Subpart C. To determine whether the waste exhibits any of the hazardous characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR Part 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to EPA as well as a detailed description as to how each sample was taken. **If the waste is a characteristic hazardous waste, please provide the characteristic waste code in your response.**
 - d. If your facility elects to apply knowledge to make a waste determination of the waste streams identified above, you must provide a detailed explanation and your reasoning regarding the basis for this determination. **Also, if you apply knowledge to make the waste determination, please include all hazardous waste codes for the waste in your response.**
 - e. For each hazardous waste identified in your response to 2.b., 2.c., and/or 2.d., please provide:
 - 1) the amount of each hazardous waste generated on a monthly basis,
 - 2) the amount of each hazardous waste observed, identified, and that is currently stored at your facility, and
 - 3) as applicable, the manifest, bill of lading, or other shipping document showing that each hazardous waste has been shipped offsite for disposal.
 - 4) In the event that any of the identified hazardous waste is still in storage at your facility, please provide photographs of the wastes and identify your plans for disposing these wastes.

3. Your March 9, 2016, response to Violation 1 explains that you consider the waste aerosol cans (both empty and partially full) to meet the scrap metal exemption. Because your aerosol cans do not meet the definition of empty containers found at 40 C.F.R. § 261.7, they cannot be considered scrap metal and a waste determination must be made on the containers and they must be managed according to the results of that waste determination. Please also remember that as a Small Quantity Generator (SQG) you must transport and/or ship all hazardous waste leaving your site, and that it cannot be taken to any facility that is not permitted to receive hazardous waste (treatment, storage, disposal (TSD)) facility. Please provide an adequate hazardous waste determination for the waste aerosol cans and explain how they will be managed according to the results of that determination.
4. Your March 9, 2016, response states that you will submit a memorandum to familiarize local hospitals with the types of hazardous wastes generated at the site and potential injuries which could result from their release, explosion or fire. Please provide a copy of the memorandum that you submitted to the local hospitals and a list of all recipients.
5. Your March 9, 2016, response states that you feel the use of “911” rather than the fire departments direct phone number should be acceptable. EPA agrees that “911” is acceptable if that summons the fire department in addition to police and/or other emergency responders. Please provide a legible copy of the information posted next to the telephone in or nearest to the accumulation area(s), and a description of the location of the telephone relevant to your hazardous waste accumulation area. A map showing the hazardous waste accumulation area and the location of the telephone would be helpful.

3007 RESPONSE INSTRUCTIONS

- * Identify the Person(s) responding to this request on your behalf.
- * Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- * For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- * For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- * For each numbered item, identify all persons consulted in the preparation of the answer.
- * For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- * If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- * If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- * If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- * You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- * The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- * A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- * Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.
- * This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- * The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.